

Remarks

Claims 1-18 and 20-25 are pending.

Claim 1 was amended to particularly point out and distinctly claim Applicants' invention. Claim 1 was amended to include the limitations of Claim 19. Claim 1 was also amended to recite that the portable fob receives the state change of the sensed information from the second wireless communication port and responsively drives the display. See, for example, Claim 20.

Claim 13 was amended to recite that the portable fob is adapted to configure the at least one of the sensors for at least one of: a sensor name and an alert as a function of the sensed information for at least one of the sensors. See, for example, Figure 6B at 220, 224, 226 and 228 and the corresponding disclosure.

Claim 14 was amended to recite that the portable fob is adapted to configure the portable fob for communication with the server responsive to input from the user input device. See, for example, Figure 6A, and page 15, line 25 through page 16, line 7 of the specification.

Claim 19 was canceled, without prejudice.

Claim 20 was amended to depend from Claim 1.

Claim 23 was rewritten in independent form to include the limitations of original Claims 1 and 19-21.

A request for a one-month extension of time, a Supplemental Information Disclosure Statement, and an Electronic Patent Application Fee Transmittal accompany this Amendment.

REJECTIONS UNDER 35 U.S.C. § 112, ¶2

The Examiner rejects Claims 1-25 on the ground of being indefinite.

The Examiner states that "a structure" (*e.g.*, the second occurrence in Claim 1) lacks antecedent basis "because 'a structure' has already [been] recited in line 1 of [Claim] 1".

Applicants' attorney respectfully disagrees with the Examiner's stated position as applied to the recital of Claim 1. Claim 1 recites a "system for a structure, said system for a structure" This includes the first recital of "system for a structure"; the very next recital is "said system for a structure". The second recital of "system for a structure" finds strict and clear antecedent basis in the former recital of "system for a structure" in Claim 1. Therefore, it is respectfully submitted that Claim 1 is definite and passes muster under Section 112, second paragraph.

Claims 2-18, 20-22, 24 and 25 depend either directly or indirectly from Claim 1 and pass muster under Section 112, second paragraph, for the same reasons.

Claim 23 includes the same recital (“system for a structure, said system for a structure”) as Claim 1. Accordingly, it is respectfully submitted that Claim 23 is definite and passes muster under Section 112, second paragraph, for the same reasons.

REJECTIONS UNDER 35 U.S.C. § 102(e)

The Examiner rejects Claims 1, 2, 6-10, 13-20 and 24 on the ground of being anticipated by U.S. Patent Application Publication No. 2004/0233855 (Gutierrez et al.).

Applicants expressly reserve and do not waive the right to file one or more affidavits under 37 CFR 1.131 in connection with this single cited reference.

Gutierrez et al. discloses (§§44,46) that a network device (ND) such as a portable communicating device, such as a Personal Digital Assistant (PDA), participates in an ad-hoc communication network. Paragraph 165 of this single cited reference deals with industrial sensor networks and a combination of sensors and LR-WPAN devices in which data is gathered, processed and analyzed to determine whether or when user interaction is required. Paragraph 166 deals with wireless communication as applied to vehicles, such as cars, including control and monitoring of noncritical sensors. Paragraph 167 deals with a tire pressure monitoring system for a vehicle including four pressure sensors (*i.e.*, NDs), one mounted on each tire, and a central control unit or station (*i.e.*, NC) to receive the collected data. Paragraph 168 deals with a precision farming or precision agriculture system in which potentially thousands of LR-WPAN devices are linked with sensors. The sensors gather field information. Each sensor passes the measured data to its corresponding LR-WPAN device (*i.e.*, ND), which in turn passes it through the network to a central collection device (*i.e.*, NC).

Claim 1, as amended, recites a system for a structure comprising: a server including a first wireless communication port; a portable fob including a second wireless communication port, a user input device and a display; and a plurality of sensors, each of the sensors sensing information and including a third wireless communication port, which sends the sensed information to the first wireless communication port of the server, the server sending the sensed information for at least one of the sensors from the first wireless communication port of the server to the second wireless communication port of the portable fob, the portable fob displaying the sensed information for at least one of the sensors at the display of the portable fob, wherein the server further includes a processor, which detects a state change of the sensed information of one of the sensors, and which sends the state

change of the sensed information from the first wireless communication port of the server to the second wireless communication port of the portable fob, and wherein the portable fob receives the state change of the sensed information from the second wireless communication port and responsively drives the display.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

It is well-settled that there must be suggestion or motivation within a single reference to alter the reference to find patent claims obvious. *Kolmes v. World Fibers Corp.*, 107 F.3d 1534, 1541, 41 U.S.P.Q.2d 1829, 1833, 1834 (Fed. Cir. 1997).

Gutierrez et al. does not teach or suggest a server processor, which detects a state change of sensed information of a sensor, and which sends such state change of such sensed information from a first wireless communication port of such server to a second wireless communication port of a portable fob, wherein such portable fob receives such state change of such sensed information from such second wireless communication port and responsively drives a display.

The Examiner argues that the PDA of Gutierrez et al. is “capable of receiving the sensed information from the transceiver of NC as shown in Fig[.]. 5”. This statement is respectfully traversed as applied to the refined recital of Claim 1.

Figure 5 of the single cited reference (§78) deals with two types of transfer: (1) upstream transfer 36 (*i.e.*, from the particular ND 14 (“ND11”) to the NC 24); or (2) downstream transfer 38 (*i.e.*, from the NC 24 to the particular ND 14 (“ND5”). It is submitted that, at best, it could be argued that the PDA of Gutierrez et al. is capable of receiving information from the transceiver of NC 24 of Figure 5.

There is, however, no teaching or suggestion in the single cited reference that any server processor **detects a state change** of sensed information of a sensor, as is set forth in the refined recital of Claim 1.

Furthermore, there is no teaching or suggestion in the single cited reference that a server processor sends such a **state change** of sensed information of a sensor from a first wireless communication port of such server to a second wireless communication port of a portable fob.

Moreover, there is no teaching or suggestion in the single cited reference that a portable fob receives such a **state change** of sensed information of a sensor from a second wireless communication port and **responsively drives a display**.

Therefore, for any or all of the above reasons, Claim 1 patentably distinguishes over the single cited reference.

Claims 2, 6-10, 13-18, 20 and 24 depend directly or indirectly from Claim 1 and patentably distinguish over the single cited reference for at least the same reasons.

Furthermore, Claim 13, as amended, recites that the portable fob is adapted to configure the at least one of the sensors for at least one of: a sensor name and an alert as a function of the sensed information for at least one of the sensors.

Gutierrez et al., which discloses a Proactive Source Routing (PSR) algorithm 12 that allows the creation of simple wireless networking among wireless network devices (NDs) 14 distributed in a mesh configuration with a network coordinator (NC) 24, and which discloses that a network device (ND) includes a portable communicating device such as a Personal Digital Assistant (PDA), does not teach or suggest the refined recital of a portable fob being adapted to configure a sensor for at least one of: a sensor name and an alert as a function of sensed information for a sensor. Therefore, Claim 13 further patentably distinguishes over the single cited reference.

Furthermore, Claim 14, as amended, recites that the portable fob is adapted to configure the portable fob for communication with the server responsive to input from the user input device.

Gutierrez et al., which discloses a Proactive Source Routing (PSR) algorithm 12 that allows the creation of simple wireless networking among wireless NDs 14 distributed in a mesh configuration with a network coordinator (NC) 24, and which discloses that a network device (ND) includes a portable communicating device such as a Personal Digital Assistant (PDA), does not teach or suggest the refined recital of a portable fob being adapted to configure such portable fob for communication with a server responsive to input from a user input device. Accordingly, Claim 14 further patentably distinguishes over the single cited reference.

Furthermore, Claim 24 recites that the sensors periodically send the sensed information to the first wireless communication port of the server; and that the portable fob periodically requests and receives the sensed information for the sensors between the first and second wireless communication ports.

As to Claim 24, the Examiner relies upon paragraphs 96+ and 165-168 of the single cited reference.

Paragraphs 96 and 97 of the single cited reference deal with the ND 14 proactively identifying its neighbors or with attempts to discover suitable other neighboring

NDs 14 within its range of influence. The NDs 14 may advertise their presence by periodically broadcasting for a period of time. The “Neighbor Discovery” is accomplished by receiving one or more response messages from one or more other NDs 14. Those response messages include an identification that the corresponding ND is a connected network device. This has nothing to do with the refined recital of sensors periodically sending the recited sensed information to a server, and a portable fob periodically requesting and receiving such recited sensed information for the sensors between the first and second wireless communication ports of the respective server and portable fob.

Paragraph 165 of the single cited reference deals with industrial sensor networks and a combination of sensors and LR-WPAN devices in which data is gathered, processed and analyzed to determine whether or when user interaction is required. Such industrial monitoring applications, in general, do not need high data throughput or constant updating. This has nothing to do with the refined recital of a portable fob periodically requesting and receiving sensed information for sensors between first and second wireless communication ports of a respective server and such portable fob.

Paragraph 166 of the single cited reference deals with wireless communication as applied to vehicles, such as cars, including control and monitoring of noncritical sensors. Again, this has nothing to do with the refined recital of a portable fob periodically requesting and receiving sensed information for sensors between first and second wireless communication ports of a respective server and such portable fob.

Paragraph 167 of the single cited reference deals with a tire pressure monitoring system for a vehicle including four pressure sensors (*i.e.*, NDs), one mounted on each tire, and a central control unit or station (*i.e.*, NC) to receive the collected data. Again, this has nothing to do with the refined recital of a portable fob periodically requesting and receiving sensed information for sensors between first and second wireless communication ports of a respective server and such portable fob.

Paragraph 168 of the single cited reference deals with a precision farming or precision agriculture system in which potentially thousands of LR-WPAN devices are linked with sensors. The sensors gather field information. Each sensor passes the measured data to its corresponding LR-WPAN device (*i.e.*, ND), which in turn passes it through the network to a central collection device (*i.e.*, NC). Again, this has nothing to do with the refined recital of a portable fob periodically requesting and receiving sensed information for sensors between first and second wireless communication ports of a respective server and such portable fob.

Therefore, for the above reasons, Claim 24 further patentably distinguishes over the single cited reference.

REJECTIONS UNDER 35 U.S.C. § 103(a)

The Examiner rejects Claims 3 and 4 on the ground of being unpatentable over Gutierrez et al. in view of U.S. Patent Application Publication No. 2002/0023265 (Metcalf).

Metcalf (Figure 1) discloses a PDA 34 including a PDA push-button 44 that is pressed or a dial that is rotated.

Metcalf adds nothing to Gutierrez et al. regarding a server processor, which detects a state change of sensed information of a sensor, and which sends such state change of such sensed information from a first wireless communication port of such server to a second wireless communication port of a portable fob, wherein such portable fob receives such state change of such sensed information from such second wireless communication port and responsively drives a display to render Claim 1 unpatentable.

Claims 3 and 4 depend directly or indirectly from Claim 1 and patentably distinguish over the references for at least the same reasons.

The Examiner rejects Claims 5, 11, 12, 21, 22 and 25 on the ground of being unpatentable over Gutierrez et al. in view of U.S. Patent Application Publication No. 2004/0260407 (Wimsatt).

Applicants expressly reserve and do not waive the right to file one or more affidavits under 37 CFR 1.131 in connection with Wimsatt.

Wimsatt discloses (Figure 1) control panels 101 mounted throughout a building at locations where it is convenient or desired to exercise control over controlled systems. For example, a control panel 101 can be provided in each bedroom of a house, as well as a kitchen, office, entertainment areas and the like. Alternatively, one or two control panels 101 may be provided in central locations for shared access by all members of a household. Wireless control panels 107 implement similar functionality to the control panels 101.

Wimsatt (¶¶50 and 53) also discloses a message broker that provides services that coordinate communication between the various other API layer and application layer processes. The message broker component includes processes for listening to control messages, including command and status messages, and parsing those messages to determine which processes, if any, in that control panel 101/107 are involved in handling the control message. For example, a control message that is received externally and indicates a command to sound an alarm at that control panel 101 will be passed to an audio and/or

security application plug in. A command message relating to turning on/off a light fixture may be passed to a home control plug in, or may be ignored if it relates to a fixture that is not coupled to that control panel 101. Similarly, a status message indicating that a light fixture is turned on may be formed into a message directed to one or more other control panels 101/107 that have interest in the status of that light fixture. The message broker can use, in particular embodiments, available mail protocols and the like to send notifications to external systems or recipients as well as communicating in-network messages to other control panels 101/107. These notifications can be used to convey information about events (*e.g.*, a security alarm trigger), as well as system status (*e.g.*, a communication failure with a control panel 101/107 or failure of a HVAC subsystem). Various plug-in components are enabled to communicate with each other through the message broker component as well as communicating with other control panels 101/107 and controlled devices and subsystems. For example, a security plug-in may monitor status of a home security system and when an anomaly is detected, activate the audio and home control plug-ins to provide information and/or alerts to users.

Wimsatt adds nothing to Gutierrez et al. regarding a server processor, which detects a state change of sensed information of a sensor, and which sends such state change of such sensed information from a first wireless communication port of such server to a second wireless communication port of a portable fob, wherein such portable fob receives such state change of such sensed information from such second wireless communication port and responsively drives a display to render Claim 1 unpatentable.

Claims 5, 11, 12, 21, 22 and 25 depend directly or indirectly from Claim 1 and patentably distinguish over the references for at least the same reasons.

Allowable Subject Matter

It is noted with appreciation that the Examiner states that Claim 23 is objected to as depending from a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Claim 23 was rewritten in independent form to include the limitations of the corresponding base claim and any intervening claims. Hence, it is submitted that Claim 23 is in condition for allowance.

Summary and Conclusion

The prior art made of record and not relied upon but considered pertinent to Applicants' disclosure has been reviewed. In summary, it is submitted that Claims 1-18 and 20-25 are patentable over the references of record.

Reconsideration and early allowance are requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kirk D. Houser", with a stylized flourish at the end.

Kirk D. Houser
Attorney for Applicants
Registration No. 37,357

(412) 566-6083